

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

RUTH SMITH, individually and on behalf of
all others similarly situated,

Plaintiff,

v.

SUNPATH, LTD.,

Defendant.

Case No. 1:22-cv-00081-LMB-TCB

DEFENDANT SUNPATH, LTD.’S MOTION TO COMPEL

Defendant SunPath, Ltd. (“SunPath”), pursuant to Federal Rules of Civil Procedure 36 and 37 and Local Civil Rule 37, moves to compel Plaintiff Ruth Smith’s full and complete responses to SunPath’s First Set of Discovery Requests. The grounds for this Motion are more fully articulated in the Memorandum in Support, filed contemporaneously herewith.

LOCAL CIVIL RULES 7(E) and 37(E) STATEMENT

Discovery in this case closes on December 9, 2022. Following numerous written exchanges, on November 3, 2022, at 4 p.m. EST, counsel for SunPath and counsel for Plaintiff engaged in a meet-and-confer conference via telephone, regarding Plaintiff’s deficient discovery responses and document production relating to SunPath’s First Set of Discovery Requests. The conference lasted approximately one and a half hours. Counsel for SunPath had previously requested that Plaintiff supplement her discovery responses, which were initially served on September 28, 2022, be supplemented by October 26, 2022. Plaintiff’s counsel represented that they may try to provide certain supplemental responses by November 11, 2022, but would largely be standing on Plaintiff’s existing responses and objections. At present, SunPath has

received no further supplemental written discovery responses and only a small number of documents Plaintiff received in response to third-party subpoenas, which do not cure Plaintiff's discovery deficiencies. Therefore, SunPath has filed this Motion to Compel.

Dated: November 10, 2022

Respectfully submitted,

SUNPATH, LTD.

By Counsel

/s/ Gregory M. Caffas

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CERTIFICATE OF SERVICE

I hereby certify that I caused the above and foregoing Defendant SunPath, Ltd.'s Motion to Compel to be served upon counsel of record in this case via the U.S. District Court CM/ECF System on November 10, 2022.

/s/ Gregory M. Caffas
Gregory M. Caffas